

REMARKS

Claims 1-5 were pending in the present application. New claims 6 and 7 have been added herein. Thus claims 1-7 are now pending. The applicant respectfully requests reconsideration and allowance of the present application in view of the above amendments and the following remarks.

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving a copy of the form PTO-1449 submitted with the Information Disclosure Statement filed on February 18, 2004 on which the Examiner has initialed all listed items.

Claims 1-5 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Tano, U.S. Patent No. 6,067,488 in view of Klausner et al., U.S. Patent No. 6,748,305 (hereinafter "Klausner"). The rejection is respectfully traversed.

By way of brief summary, the present invention can be characterized in that a sensor device (1) includes a motion sensor such as, for example, longitudinal gravitational or gee force ("G") sensor 11, lateral G sensor 12, yaw rate sensor 13, a collision G sensor 14, and a memory 16. The sensor device 1 can output data from the motion sensor, which can be stored in the memory 16, through a communication network 10 to external control units such as electronic control units 3, 6, 7, and 9 located away from the sensor device 1. Thus, sensor device 1 can be used as a drive recorder. It should also be noted the sensor device 1 is located in a central portion of the vehicle, e.g. near the center of the vehicle for collision protection. Because of the location, in the event the vehicle is subjected to a collision, the drive data can easily be stored in the memory 16.

The applicant notes that claim 1, as amended, recites, *inter alia*, that the storage means, the updating means, the collision detecting means and the storage-holding means are provided at a same location different from the plurality of electronic control units and connected to the plurality of electronic control units through the communication network so that the results detected by the motion detecting means are transmitted to the electronic control units through the communication network. The contents of the storage-holding means are held when a collision is detected by the collision detecting means and operation of the updating means is discontinued.

A close review of Tano first reveals a driving recorder (1) having a memory control unit (12) with an external accelerometer (11) and a memory (13). The examiner admits that Tano fails to teach or suggest a plurality of electronic control units *for vehicle controls* and further fails to teach or suggest the claimed communication network. Applicants concur with the Examiner that Tano fails to teach or suggest any electronic control unit for vehicle controls and simply monitors and records various sensors. Thus, as admitted by the Examiner, Tano must necessarily fail to teach or suggest a communication network coupling the storage means, the updating means, the collision detecting means and the storage-holding means with the plurality of electronic control units for vehicle controls. Further, by operation of the same logic, Tano must also necessarily fail to teach or suggest that the storage means, the updating means, the collision detecting means and the storage-holding means are provided at a same location different from the plurality of electronic control units, e.g. since the plurality of unit are not taught, and since Tano teaches that all of the devices associated with the driving recorder (1) are in the same location.

To account for the above noted deficiencies of Tano, the Examiner has put forth Klausner as allegedly teaching the claimed plurality of electronic control units and the communication network in combination with Tano. To support the combination, the Examiner has indicated

only that Klausner is from an analogous art. The applicant notes that in order to properly support a combination of references which are purported to teach or suggest all the claimed features and thus establish a *prima facie* case of obviousness, evidence must be provided of a suggestion or motivation contained in the references or in the knowledge generally available in the art sufficient to motivate one of ordinary skill in the art to combine the references.

The applicant contends that no such evidence is provided, and that Tano contains no suggestion of including electronic control units for vehicle control in the driving recorder. The applicants further contend that the references are not combinable in that, Tano teaches against Klausner in that Tano clearly contemplates temporary data storage, e.g. 3 months (see, e.g. col. 5, line 33), while Klausner contemplates permanent storage for the service life of the vehicle (see, e.g. Abstract). Thus, one of ordinary skill in the art would not be motivated to combine the references.

Assuming however, *arguendo*, that the references are properly combined, the applied art combination still fails to teach or suggest all the claimed features. For example, the applied art combination fails to teach or suggest, *inter alia*, that the storage means, the updating means, the collision detecting means and the storage-holding means are provided at a same location different from the plurality of electronic control units. Further, the applied art combination fails to teach or suggest the claimed storage-holding means which, when a collision is detected by the collision detecting means, ***discontinues operation of the updating means*** and holds the content stored in the storage means. It is important to note that the claimed storage means is capable of updating stored content and ***holding the stored content in case a power supply is interrupted***. Such features are crucial for the recording of, for example, events and conditions surrounding a collision since, if contents were allowed to be updated, erroneous data from a damaged sensor could flood the storage device with meaningless data.

Accordingly, for at least the reasons set forth hereinabove, a *prima facie* case of obviousness has not properly been established in that the applied art combination is not properly supported with evidence and nevertheless still fails to teach or suggest all the claimed features as required. It is respectfully requested that the rejection of independent claim 1 be reconsidered and withdrawn.

Claims 2-5, by virtue of depending from independent claim 1, are allowable for at least the reasons set forth hereinabove. It is respectfully requested therefore that the rejection of claims 2-5 be reconsidered and withdrawn.

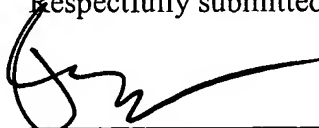
New claim 6, by virtue of depending from independent claim 1, is allowable for at least the reasons set forth hereinabove. New claim 6 recites the feature that the “same location” of claim 1 includes a central portion of the vehicle. Moreover, new claim 7, by virtue of reciting features including a sensor device, a control unit external to the sensor device, and a communication network coupling the sensor device and the external control unit, wherein the sensor device is located in a central portion of the vehicle different from the external control unit, and includes a motion detector and a memory, distinguishes over the applied art for at least the reasons set forth herein above with regard to claim 1. Support for new claims 6 and 7 can be found in applicant’s specification, for example, at page 4, line 1 and page 8, line 17. Favorable consideration is respectfully requested.

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In view of the foregoing, the applicant respectfully submits that the present application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. L. Scott, II", written over a horizontal line.

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